IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2824 OF 2005

Namdeo Mallikarjun Bailpatre. ... Applicant

versus

The State of Maharashtra. ... Respondent.

...

Mr.Rajaram V.Bansode, advocate_for the Applicant.

Mr.S.S.Tatkare, APP for the Respondent-State.

...

CORAM : A.M.KHANWILKAR,

VACATION JUDGE.

DATE : 1ST JUNE, 2005

P.C.:

1. Heard counsel for the parties. Perused the record. The offence in question is serious offence. There is evidence to indicate complicity of the applicant in the commission of the offence. Investigation is still in progress. In the circumstances, it is not a case for bail.

2. Counsel for the applicant however contends that the applicant has been falsely implicated. He has gone to the extent of arguing that false record has been created to indicate that the applicant voluntarily deposited the sum of Rs.37 Lakhs in the Government Treasury and in fact, the applicant has no concern with the said deposit. According to the applicant, at the relevant time, he was hospitalised in Sahyog Hospital at Satara.

3. The argument seems to be attractive. But as mentioned earlier, the investigation is still in progress and is at crucial stage. The fact whether the amount of Rs.37 Lakhs has been deposited in the Government Treasury by the applicant himself or by some other person is of no avail, for the simple reason that the evidence so far collected indicates that documents were forged. On the basis of said forged documents, the applicant took delivery of grains which were to be distributed amongst the labour after the work was completed by them. The applicant without ensuring the fact that the work is

completed, sold the grains in open market. As offence in question is serious offence, not a case for bail. Hence rejected.

4. It is however, made clear that after investigation is completed and charge-sheet is filed, if the applicant prefers fresh bail application before the appropriate court, that will have to be considered on its own merit, in accordance with the law, uninfluenced by the observations made in this order.